

KOSOVO 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution prohibits religious discrimination and provides for freedom of religion, subject to limitations to ensure public order, health, and safety or to protect the rights of others. The law does not provide a means for religious groups to acquire legal status. In September, the cabinet approved amendments that would provide religious groups with such status and enable them to conduct business in their name and gain certain tax benefits, but parliament did not act on these due to an unrelated lack of a quorum required to pass legislation. According to the Islamic Community of Kosovo (BIK), in multiple cases, public elementary schools denied female Muslim students in religious attire permission to attend classes. On September 4, the Kosovo and Serbian governments signed a list of commitments in Washington, D.C., brokered at the White House, that included a pledge to domestically protect and promote freedom of religion, renew interfaith communication, protect religious sites, implement judicial decisions pertaining to the Serbian Orthodox Church (SOC), and continue restitution of Holocaust-era heirless and unclaimed Jewish property. The SOC said a lack of constructive communication with some municipal governments prevented Serbian Orthodox pilgrims from having free access to some SOC temples and graveyards. The SOC said the government failed to fully enforce the Law on Special Protective Zones (SPZs) by failing to prevent road construction in the Visoki Decani Monastery SPZ. The government halted the work in the SPZ in August following objections by the international community. Kosovo's Implementation and Monitoring Committee (IMC), which includes the SOC, decided in November on the rehabilitation of the road in accordance with the law. Local and central authorities continued to ignore a 2016 court decision on SOC ownership of several land parcels next to the Decani monastery. Following a review, the government stated in August that, in many cemeteries managed by BIK under municipal contracts, a lack of municipal oversight enabled BIK to prevent other religious/nonreligious groups from conducting burial services according to their beliefs and to discriminate against religious minority groups. Kosovo Serb and Jewish communities said some municipalities did not properly maintain these communities' cemeteries.

National police said they received reports of 57 incidents against religious sites or cemeteries during the year, compared with 61 in 2019. Police classified most of the incidents as theft, although some involved damage to cemeteries or other property. The majority of incidents targeted Muslim community sites, although a

few involved SOC and Catholic Church properties. According to the SOC, many incidents involving SOC religious sites were linked to Serb ethnicity as well as religion, and there were incidents not reported to police. In August, the Organization for Security and Cooperation in Europe (OSCE) reported that vandals damaged an SOC church in the Srecke/Sredska village in Prizren. In September, according to media and police, an SOC church was robbed in Babimoc/Babin Most in Obiliq/Obilic. On January 6 in Gjakova/Djakovica, local Kosovo Albanians, including families of persons missing from the 1998-1999 conflict, staged a protest, as they had since 2015, in front of the local SOC church, leading displaced Kosovo Serb SOC members to again cancel a pilgrimage there. SOC officials again complained about negative media reporting and criticism of Visoki Decani Monastery Abbot Sava Janjic, such as claims the abbot was blocking local development by denying Decan/Decani municipality use of its property and resources.

U.S. embassy officials continued to encourage the government to enact amendments permitting religious groups to acquire legal status, enforce mechanisms to protect freedom of religion, implement legislation and judicial decisions pertaining to SOC religious sites, and resolve SOC property disputes. The Ambassador and other embassy representatives discussed religious freedom issues, including equal protection and property rights concerns, with religious and civil society leaders and encouraged religious tolerance and improved interfaith dialogue.

Section I. Religious Demography

The U.S. government estimates the total population at 1.9 million (midyear 2020 estimate). According to the 2011 census (the most recent), 95.6 percent of the population is Muslim, 2.2 percent Roman Catholic, and 1.4 percent Serbian Orthodox, with Protestants, Jews, and persons not answering or responding “other” or “none” together constituting less than 1 percent. According to the SOC and international observers, lack of financial support for the census and a boycott of it by most ethnic Serbs resulted in a significant undercounting of ethnic minorities of all religious backgrounds, including SOC members, Tarikat Muslims, and Protestants. Other religious communities, including Tarikat Muslims and Protestants, also contested the registration data, stating they distrusted the census methodology and believed it resulted in undercounts of their communities’ members.

The majority of Kosovo Albanians are Muslim, although some are Christian (Orthodox, Catholic, and Protestant). Almost all Kosovo Serbs belong to the SOC. The majority of ethnic Ashkali, Bosniaks, Egyptians, Gorani, Roma, and Turks are also Muslim, while most ethnic Montenegrins and some Roma are Christian Orthodox. Nearly all ethnic Croats are Catholic.

According to BIK, most Muslims belong to the Hanafi Sunni School, although some are part of the Sufi Tarikat community. There is also a Sufi Bektashi religious community; no official estimate exists for the number of its adherents. Kosovo Albanians represent the majority in 28 of the country's 38 municipalities, and Kosovo Serbs make up the majority in the remaining 10. Most SOC members reside in the 10 Serb-majority municipalities. The largest Catholic communities are in Gjakove/Djakovica, Janjeve/Janjevo, Kline/Klina, Pristina, and Prizren. Evangelical Protestant populations are located throughout the country, concentrated in Pristina and Gjakove/Djakovica. There are small Jewish communities in Prizren and Pristina.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution provides for freedom of conscience and religion for all residents, including the right to change, express, or not express religious belief; practice or abstain from practicing religion; and join or refuse to join a religious community. These rights are subject to limitations for reasons of public safety and order or for the protection of the health or rights of others. The constitution provides for the separation of religious communities from public institutions, including the right of religious groups to regulate independently their own organizations, activities, and ceremonies, and the right to establish religious schools and charities. It provides for equal rights for all religious communities, stipulates the country is secular and neutral regarding religion, declares the state shall ensure the protection and preservation of the country's religious heritage, and prohibits discrimination based on religion. The constitution states the law may limit freedom of expression to prevent violent and hostile provocations on racial, national, ethnic, or religious grounds. It allows courts to ban organizations or activities that encourage racial, national, ethnic, or religious hatred.

The law on religious freedom states, "All religions and their communes in Kosovo, including the Kosovo Islamic Community, Serbian Orthodox Church, Catholic Church, Hebrew Belief Community, and Evangelical Church (the five "traditional"

religious communities), shall be offered any kind of protection and opportunity in order to have rights and freedom foreseen by this law.” The constitution provides for rights and protection for all citizens, including maintaining, developing, and preserving their religion using their own language. The constitution also states religious communities have the right to establish religious schools and charitable institutions with the possibility of being funded with government financial assistance “in accordance with the law and international standards.” The constitution provides guarantees of freedom and pluralism of media. It guarantees all ethnic communities access to public media. Additional rights for religious groups include establishing and using their own media, maintaining unhindered peaceful contacts with persons outside the country with whom they share a religious identity, and having equitable access to public employment.

The constitution guarantees 20 of 120 seats in parliament to representatives from ethnic minority communities, which are often associated with a single majority religious group, such as Muslims or Orthodox Christians. It also stipulates the adoption, amendment, or repeal of all laws pertaining to religious freedom or cultural heritage requires approval by a majority of the parliamentarians representing minority communities, as well as by a majority of all parliamentarians.

The constitution provides for the Ombudsperson’s Institution, which is responsible for monitoring religious freedom, among other human rights, and recommending actions to correct violations. It stipulates the state shall take all necessary measures to protect individuals who may be subject to threats, hostility, discrimination, or violence because of their religious identity.

The law stipulates there is no official state religion, but it lists the five “traditional” religious communities that receive extra protections and benefits, including reduced taxes.

The law does not require registration of religious groups, but it also does not provide a legal mechanism or specific guidance for religious groups to obtain legal status through registration or other means. Without legal status, religious communities may not own property, open bank accounts, employ staff, or access the courts as a collective entity. Individual congregations or individuals, however, may do so and perform other administrative tasks in their own name. Local communities often recognize religious groups’ possession of buildings; however, the law generally does not protect these buildings as property of a religious community, but rather as the private property of citizens or nongovernmental

organizations. SOC property is an exception; the law on SPZs acknowledges and protects the integrity of SOC property ownership and stewardship over designated areas within the SPZs.

The law stipulates freedom of religious or nonreligious practice and the rights to establish humanitarian/charity organizations, accept voluntary financial contributions from individuals and institutions, and engage in national and international communication for religious purposes.

The law provides safeguards for sites of religious and cultural significance and prohibits or restricts nearby activities that could damage the surrounding historical, cultural, or natural environment. According to the law, the IMC is responsible for arbitrating disputes between the government and the SOC concerning SPZs and other matters related to protecting the SOC's religious and cultural heritage. The IMC is a special body originating from the 2007 Comprehensive Proposal for the Kosovo Status Settlement (also known as the Ahtisaari Plan) and established by law. IMC members include the Ministry of Economy and Environment (cochair); Special Representative of the European Union (cochair); Ministry of Culture, Youth, and Sport; SOC; and OSCE.

Municipalities are legally responsible for the upkeep and maintenance of all public cemeteries, including those designated for specific religious communities.

According to the law, "Public educational institutions shall refrain from teaching religion or other activities that propagate a specific religion." This law is unenforceable in schools operated under Serbian government-run parallel structures, over which the Kosovo government has no control.

A Ministry of Education and Science (MES) administrative circular on the code of conduct and disciplinary measures for elementary and high school students, which carries the force of law, prohibits students from wearing religious "uniforms" on elementary and secondary school premises.

The country is not a party to the International Covenant on Civil and Political Rights.

Government Practices

In September, the cabinet approved and sent to parliament amendments to the law on religious freedom that would permit religious groups to acquire legal status,

conduct business and acquire real and personal property in their name, open bank accounts, and gain import tax benefits. At year's end, parliament had not voted on the amendments; there was a persistent lack of a quorum due to the COVID-19 pandemic and boycotts by Kosovo Serb parliamentarians. Absent enactment of the legislation, all religious communities said they continued to operate bank accounts registered to individuals instead of communities. In addition, communities such as the Kosovo Protestant Evangelical Church (KPEC) said they continued to be taxed as for-profit businesses.

According to BIK, there were multiple cases in which elementary schools denied access to female Muslim students as a result of the enforcement of the MES administrative circular prohibiting "religious attire" on school property. Imam Labinot Maliqi, head of the nongovernmental organization Kosovo Center for Peace, reported that two female elementary school students, one in Fushe Kosove/Kosovo Polje and the other in Gjakova/Djakovica, were denied entrance to school for wearing a hijab. School officials reversed their decision after the Kosovo Center for Peace inquired into the situation. In July, according to Maliqi, MES officials told him the MES was committed to reviewing the religious attire prohibition. The ban remained in place at year's end.

Muslim community representatives said there were cases of hiring discrimination against Muslim women who wore religious attire during the year, but they did not cite any examples.

On September 4, Kosovo and Serbia signed lists of commitments in Washington, D.C., in which the government of Kosovo pledged to protect and promote freedom of religion, including renewed interfaith communication, protection of religious sites, and implementation of judicial decisions pertaining to the SOC, and continue restitution of Holocaust-era heirless and unclaimed Jewish property.

Decan/Decani municipal officials continued to refuse to implement a 2016 Constitutional Court decision upholding the Supreme Court's 2012 ruling that recognized the SOC's Visoki Decani Monastery's ownership of approximately 24 hectares (59 acres) of land in the monastery's vicinity. In November, the SOC appealed to the Kosovo Cadastral Agency; its decision was pending at year's end. NATO troops in the country continued to provide security at the Decani Monastery.

In August, the Decan/Decani municipality began road work within the Visoki Decani Monastery SPZ in violation of the law. The government halted the work

following international criticism. In November, the IMC and the Decan/Decani municipal government endorsed an Italian-brokered arrangement that adhered to the law for the rehabilitation of the road. The arrangement included the development of both a bypass road external to the SPZ boundaries, which would connect Decan/Decani to Montenegro, and a separate local road within the SPZ. The proposed road work had not begun by year's end.

In July, Pristina Municipality issued a construction permit for, and construction began on, a Grand Mosque in Pristina, funded by the Turkish government. Some citizens opposed construction of the mosque, saying its design was based on an archaic Ottoman style rather than traditional Kosovo mosque architecture. Some local imams continued to state existing downtown mosques fulfilled the needs of their constituency and there was no demand for such a large mosque in the area.

The Ministry of Local Government Administration (MLGA) reported 23 out of 38 municipal government sites had service contracts with BIK to provide landscaping, maintenance, and burial services at public cemeteries. According to the MLGA, the presence of a Hanafi imam at a funeral in BIK-administered cemeteries was often considered mandatory. Some religious and ethnic communities, particularly non-Hanafi Muslims such as Shia and Bektashi, as well as Protestants and members of The Church of Jesus Christ of Latter-day Saints, said BIK's ability to supersede other religious personnel in conducting burial ceremonies in BIK-administered cemeteries prevented them from conducting burial ceremonies according to their own customs. The MLGA conducted a review during the year and said it substantiated these concerns. It also stated that, in many BIK-managed cemeteries, a lack of municipal oversight allowed BIK to discriminate against minority religious groups in the allocation of burial plots and provision of other services. The MLGA added that BIK also conditioned conducting a burial ceremony on payment of annual membership fees that varied per municipality from two to six euros (\$2-\$7) per year per person, which included participation of an imam and performance of Islamic religious rites. The MLGA called for municipalities to include all local religious communities in contract discussions and for contracts to provide equal treatment to all groups. Pristina's Catholic, Orthodox Christian, and Jewish communities continued to use separate public cemeteries that these groups independently maintained and operated.

The SOC and Kosovo Serb communities continued to state that in many Kosovo Albanian majority municipalities, local governments did not provide adequate maintenance for their cemeteries and police did not provide sufficient security, allowing for frequent acts of vandalism. According to Serbian-language media

reports in February, Orthodox cemeteries with damaged tombstones and overgrown weeds were common in several areas of the country. Some media also stated that displaced Serbs were transferring remains of their deceased to cemeteries in Serbia. In June, for example, Abbot Sava tweeted that the state of SOC cemeteries in Kosovo Albanian-majority areas was even worse than how the OSCE had described it in a 2011 report that stated 392 Serb cemeteries were in “bad” or “very bad” condition.

Jewish community representatives again said local governments did not properly maintain Jewish cemeteries outside Pristina, including in Novo Brdo/Novoberde, Lipjan/Lipljan, Kamenice/Kamenica, Prizren, Mitrovice/Mitrovica, and Gjilan/Gnjilane, notwithstanding their legal obligation to do so.

With the government’s assent, the OSCE continued to monitor the implementation of legislation on protection of SPZs around SOC religious and heritage sites. The Police Unit for the Security of Religious and Cultural Heritage Buildings continued to provide 24-hour security to 24 SPZs countrywide.

At year’s end, Pristina Municipality and the Jewish community continued to disagree on a suitable location for a synagogue for which the municipality had issued a construction permit in 2016.

The SOC said a backlog of court cases prevented progress on a lawsuit the University of Pristina filed against it in 2017. According to the SOC, the suit seeks annulment of a 1991 land donation under the former Yugoslav government to the SOC and demolition of the uncompleted, but consecrated, Church of Christ the Savior built on a land parcel within the university campus. Both the Pristina Municipality and the university disputed the SOC’s land ownership.

The SOC said the Kosovo Anti-Corruption Agency continued to dispute SOC ownership of the property the agency has used since 2001. The SOC stated the agency owed rent for use of the property. The SOC received partial payment for the rent in 2018 but received no further compensation. At year’s end, neither the SOC nor the agency had initiated legal action over the dispute.

According to BIK, the central government continued to provide some funding for Islamic education in the BIK madrassah in Pristina and its branches in Prizren and Gjilan/Gnjilane. Some University of Pristina law faculty members said they believed this funding was discriminatory because the government did not provide funding for religious education to any other religious group.

According to the MES, ethnic Serbs and some Bosniaks, Gorani, Croats, and Roma continued to attend Serbian-language public schools operated and funded by Serbian government parallel structures. The schools offered Christian Orthodox classes, and the Serbian government paid for the instructors, who were members of the SOC. Students were allowed to opt out of these classes.

KPEC stated the Kosovo Immigration Office continued to deny recognition of non-Kosovo missionaries engaged by the Church. KPEC said the Customs Service sought payment of 3,393 euros (\$4,200) in taxes for humanitarian aid KPEC received from abroad during the year, while some other religious communities, such as BIK, were exempt from the taxation. KPEC said the Customs Service continued to insist on the tax payment despite intervention by then-Prime Minister Ramush Haradinaj in 2019. In addition, according to KPEC, some businesses did not respect the value-added tax exemption for goods purchased by their churches due to religious prejudices.

The SOC continued to complain about public statements made by Decan/Decani municipal leadership against Visoki Decani Monastery Abbot Sava for his opposition to illegal road construction within the Decan/Decani SPZ.

The Water Services Regulatory Authority stated it waived water utility fees during the year for religious buildings belonging to all religious communities, in contrast with the previous year, when it billed some religious communities, such as Protestants and Tarikats.

Section III. Status of Societal Respect for Religious Freedom

National police said they received reports of 57 incidents targeting religious sites during the year, compared with 61 incidents in 2019. All the incidents were against property. Of the 57 incidents, 45 took place at Muslim, eight at SOC, and three at Catholic sites, while one targeted property not belonging to a specific religious group. Police classified most of the other 56 incidents as theft, although some involved damage to cemeteries or other property. There were also incidents involving religious sites that were not reported to police. Police did not classify any of the 57 incidents reported as religiously motivated. The SOC, however, stated that some of the incidents involving its property in Kosovo were religiously and ethnically motivated. Because religion and ethnicity are often closely linked, it was sometimes difficult to categorize incidents as solely based on religious identity.

The SOC again stated media reporting contributed to a climate of interethnic and interreligious intolerance during the year. For example, in September, the SOC Archdiocese of Raska-Prizren issued a press release condemning an article in the newspaper *Koha Ditore* by history professor Bedri Muhadri that, the press release stated, claimed without evidence that SOC holy sites in Kosovo were actually medieval Albanian and usurped Roman Catholic churches.

BIK again stated there were media reports and statements on social media that portrayed Muslims negatively. In July, a newspaper columnist condemned strong public support for construction of the Grand Mosque in Pristina, writing that Muslims in the country “no longer have any connection with Illyrians,” and adding that “investment in mosques is taking Kosovo away from its European path.”

BIK reported one case of a Muslim woman denied an employment contract in the private sector but did not provide details. According to BIK, devout Muslim women were reluctant to report cases of religious discrimination.

On January 6 in Gjakova/Djakovica, local Kosovo Albanians, including families of persons missing from the 1998-99 conflict, staged a protest in front of the local SOC church, where displaced Kosovo Serb SOC members had planned a pilgrimage on Orthodox Christmas. Media reported that organizers again cancelled the pilgrimage, citing security reasons. Such protests have taken place since 2015.

In August, vandals damaged an SOC church in Srecke/Sredska village in Prizren. In September, media reported an SOC church was desecrated and burglarized in Babimoc/Babin Most in Obiliq/Obilic.

There were reports of incidents of vandalism throughout the year at Serb cemeteries. Serbian-language media reported that on January 10, an unknown individual placed an Albanian flag on the fence surrounding a Serb cemetery in Gornji Livoc, near Gjilan/Gnjilane Municipality. In February, Serbian-language media reported unknown individuals vandalized a Serb cemetery in the village of Zac in Istog/Istok Municipality on the eve of a memorial service. According to media, the vandals knocked over and broke monuments, cut down centuries-old trees that then fell on gravesites, and removed the fence. The church in the cemetery was reportedly also damaged. In November, Serbian-language media reported that several monuments were demolished at a Serb cemetery in the village of Frasher/Svinjare, near Mitrovice/Mitrovica South, prior to a memorial service.

According to media reports, in June, a group of Kosovo Serbs visited a cemetery in Mitrovice/Mitrovica South where more than 80 percent of the tombstones had been destroyed. Some media also published pictures of the cemetery, showing broken tombstones and overgrown foliage.

In April, tombstones on graves of members of the Roma, Ashkali, and Balkan-Egyptian ethnic communities were broken in Rahovec/Orahovac Municipality. Mayor Smajl Latifi publicly condemned the incident and called for immediate police intervention in finding the perpetrators. Then-Minister for Communities and Returns Dalibor Jevtic referenced previous instances in the municipality and pledged to support families affected by the incident. The OSCE also issued a statement of condemnation.

In December, Skenderaj municipal officials reported that vandals destroyed a plaque inscribed with the words “Our Church” in the town of Gjytet in Syrigana. The site is a state-protected cultural heritage site. No specific religious group claimed ownership of the plaque.

According to Catholic Church officials, reports in 2019 of the destruction of religious symbols at a Catholic church in Janjevo village proved to be inaccurate.

BIK leadership stated a group of Mitrovice/a citizens lobbied for reconstruction of a mosque in Mitrovice/a North that Federal Republic of Yugoslavia forces destroyed in 1999, but that opposition from local Kosovo Serbs continued to stymie reconstruction plans.

Religious group leaders continued interfaith discussions on property rights, legislative priorities, and local community issues. The OSCE continued to coordinate some activities among religious groups, including meetings with central and local authorities, to discuss issues such as cemetery maintenance, tax and custom duties exemptions for humanitarian activities by religious communities, and amendments to the law on religious freedom. One outcome of this engagement was improved maintenance of cemeteries by some municipal governments. The OSCE also advocated for inclusion of representatives of all major religious communities in municipal community safety councils, which meet to discuss security issues.

Section IV. U.S. Government Policy and Engagement

The Ambassador and other embassy officials discussed and advocated with the Prime Minister and Deputy Prime Minister, officials from the MES, the Ministry of Youth, Culture, and Sports, and political party leaders from the Democratic Party of Kosovo, Self-Determination Movement, Democratic League of Kosovo, and Srpska List for enactment of amendments to the law on religious freedom that would allow religious groups to acquire legal status. They also urged government officials to respect religious freedom and pluralism and increase their communication with religious groups. The Ambassador and other embassy officials urged central and local government officials, including the Prime Minister, to respect the law on SPZs, particularly in the case of the road near Visoki Decani Monastery. Embassy officials advocated with all levels of government for implementation of the 2016 Constitutional Court decision ordering the registration of ownership of 24 hectares (59 acres) of land to the Visoki Decani Monastery, urging the government and the judiciary to hold local officials accountable.

The Ambassador and other embassy officials urged increased dialogue between ethnic Albanian members of the government – including the Prime Minister – and civil society with SOC members. They conveyed this message in both private meetings and public statements, calling for cooperation between local governments and the SOC on issues such as property ownership, human rights, religious freedom, and overall security.

Embassy officials met with all major religious communities and discussed the amendments to the law on religious freedom, social issues of common concern, religious freedom issues, and governmental relations with religious communities. The embassy also funded interreligious dialogue among youth of all major religious groups and nonreligious organizations in the country.

The embassy frequently posted messages on social media in support of religious freedom, for example, marking International Religious Freedom Day on October 27, calling on the government to implement the Constitutional Court's decision on the case involving the Visoki Decani Monastery land dispute, and urging all parties to adhere to the law on SPZs.